



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

GERALD C. MANN

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ATTORNEY GENERAL

Honorable L. R. Thompson  
County Auditor  
Taylor County  
Abilene, Texas

Dear Sir:

Opinion No. 0-4000

Re: School Trustees contracting  
with a member of their board.

This department has received your request for an opinion.  
We quote below the body of your letter.

"Will you please let us have your opinion stating whether an Independent School Board in this State may legally pay out the funds of their School District to a member of their Board who is also in the automobile repair business and who sells to the Board School buses and other automotive supplies and contracts with the Board to make repair on their automotive equipment, said board member being local manager of the concern doing the repair and making the sales on the items mentioned and having a working interest in the concern.

"Will you also say if a local manager of a utility Company furnishing electricity for lighting and other purposes to an Independent School Board and selling said Board Lighting equipment can legally hold membership on said Board.

". . . . ."

We advise you on the basis of departmental opinions covering analogous situations that the contracts of sale or service referred to in your letter are void on the ground that they are contrary to public policy. Consequently, school district funds can not be legally expended pursuant to the terms of those contracts.

We enclose our opinions numbered 0-878, 1014, and 1589 for detailed information.

We now consider your second question. You inquire if the local manager of the utility company who sells his products to the school board may legally be a member of that board. Upon the facts before us, we can conceive of no reason why he could not legally be a member of the board; however, subject to removal from office by the exercise of the district judge's discretion under the provisions of Article 5970, R.C.S., 1925. You are referred to departmental opinion No. 0-1589, which holds that a trustee in a similar situation may be removed.

We trust that this fully answers your inquiry.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By s/Wm. J. Fanning  
Wm. J. Fanning  
Assistant

By s/Grundy Williams  
Grundy Williams

GW:mp:wc  
Enclosures  
Opinions Nos. 0-878,  
1014, 1589.

APPROVED OCT 10, 1941  
s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE BY s/BWB Chairman